
Public Virtual Schools, Rule

The Background:

The 107th Session of the Tennessee General Assembly created the “Virtual Public Schools Act.”¹ This act gives local education agencies the authority to establish virtual schools; and permits LEAs to contract for services with nonprofit or for-profit entities to manage and operate virtual schools. Another provision of this act requires State Board of Education to promulgate rules and regulations relative to the operation of virtual schools. The State Board of Education also maintains this authority under T.C.A. §49-16-102.

In order to create a working governance structure for public virtual schools, the SBE sought out, and received input from, several LEAs and foundations currently engaged in virtual schooling. This input has been very valuable in the crafting of these rules.

The proposed rules clarify several issues relative to virtual schooling. The proposed rules address establishment, enrollment, attendance, and transfer. The proposed rules also make clear that students with disabilities and limited English proficiency are not excluded from enrolling and participating.

In 2008 the State Board of Education adopted the “Policy on Distance Learning and e-Learning.” The proposed rules are in alignment with current board policy and state statute.

The Master Plan Connection:

This item supports the Board’s *Master Plan* by ensuring that all students can complete rigorous, relevant curriculum via distance learning and e-learning.

The Recommendation:

The State Board of Education staff recommends acceptance of this item on first reading.

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Public Virtual Schools Rule Amendments

Amend Rule 0520-01-03-.03 (11)(f) by deleting the second sentence in the paragraph and substituting the following language:

If a transfer request is less than two weeks before the beginning of the school year of the receiving district, and the student is currently enrolled in or attended the sending district during the prior semester, the approval of both the sending and receiving districts must be obtained.

Amend Rule 0520-01-03-.03 by inserting a new subsection (12) and renumbering the following subsections accordingly.

(12) Public Virtual Schools.

- (a) Public virtual schools must comply with all applicable Tennessee State Board of Education policies and rules and regulations.
- (b) Public virtual schools shall:
 - 1. be approved by the local board of education;
 - 2. use technology to deliver a significant portion of instruction to its students via the Internet in a virtual or remote setting;
 - 3. review and provide access to a sequential curriculum that meets or exceeds the curriculum standards adopted by the Tennessee State Board of Education;
 - 4. require that students meet the equivalent of the 180 days of instruction and 6.5 hours per day per academic year;
 - 5. follow the provisions TCA § 49-6-3007 relative to compulsory attendance;
 - 6. monitor participation and progress to ensure students meet participation requirements and make progress toward successful completion of courses;
 - 6. administer all state tests required of public school students to students enrolled in a virtual school in a proctored environment consistent with state test administration guidelines;
 - 7. be evaluated annually and report the extent to which the school demonstrates increases in student achievement, along with academic, fiscal, and operational performance;

8. ensure that students with special needs, including students with disabilities and limited English proficiency are not excluded from enrolling and participating;
 9. assign a teacher to each student enrolled;
 10. ensure that all teachers employed to provide services to the students are endorsed in their grade or course and qualified to teach in Tennessee;
 11. ensure access to instructional materials, access to technology such as a computer and printer that may be necessary for participation in the program, and access to an Internet connection used for school work; and
 12. meet class size standards established by TCA § 49-1-104.
- (c) Public virtual schools must comply with State Board transfer rule 0520-01-03-.03 (11).
1. For a student that is currently enrolled or was enrolled the previous semester in a public school, in order to transfer to a public virtual school after the open transfer time has lapsed:
 - a. the student must apply to and be approved for acceptance in the public virtual school; and
 - b. once acceptance has been determined, the public virtual school must obtain permission from the sending district before enrolling the student in the public virtual school. A public virtual school shall not be eligible for state education funds for students who are improperly enrolled.
 2. Students not registered in a public school the previous semester but who were enrolled instead in a private school or a home school do not require approval from a sending district.
- (d.) Public virtual schools must comply with the all attendance requirements including monitoring and reporting.
1. The district establishing the public virtual school is required to report truancy to the juvenile court having jurisdiction over that student.

2. On or before August 1 of each year the public virtual school shall notify all LEAs of the enrollment of students residing within the LEAs jurisdiction. LEAs shall be notified within two weeks when changes occur relative to students residing within the LEAs jurisdiction.
3. Once a non-resident student has been accepted and enrolled in a public virtual school, it shall be the responsibility of the LEA that has established the public virtual school to maintain enrollment of that student until such a time as the student is un-enrolled by the parent or guardian.